

REMARKS

In the Office Action, the Examiner rejected claims 1-8, 11-26 and 29-37. By this paper, Applicants have amended claims 20 and 24 to place the current application in condition for allowance. These amendments do not add any new matter. Upon entry of these amendments, claims 1-8, 11-26 and 29-37 remain pending in the present application and are believed to be in condition for allowance. In view of the foregoing amendments and the following remarks, Applicants respectfully request reconsideration and allowance of all pending claims.

Applicants graciously acknowledge the Examiner's indication of allowable subject matter. Applicants have attempted to contact the Examiner and his supervisor unsuccessfully to discuss a path forward for expediting prosecution of the present application. Again, the present amendments are made in an effort to place the present application in condition for allowance. If the Examiner maintains one or more of the rejections under 35 U.S.C. § 112 (discussed below), the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Claim Rejections under 35 U.S.C. § 112, Second Paragraph

The Examiner rejected claims 20 and 24 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which the applicants regard as the invention. Applicants respectfully traverse these rejections. While Applicants do not necessarily agree with the rejections under Section 112, Applicants have amended claims 20 and 24. Therefore, the rejections under Section 112 are believed to be moot. Applicants kindly request that the Examiner enter these minor amendments to place the application in conditions for allowance. Applicants respectfully request withdrawal of the foregoing rejections and allowance of the claims.

Provisional Double Patenting Rejection

The Examiner provisionally rejected claims 1-8, 11-26, and 29-37 under the judicially created doctrine of obviousness-type double patenting over claims 16-42 of copending Application No. 09/682,238. While Applicants will consider filing a terminal disclaimer when the present claims are allowed, Applicants note that upon resolution of the above rejections under 35 U.S.C. § 112, this provisional double patenting rejection will be the only rejection remaining in the present case. Therefore, upon resolution of the rejections under Section 112 above, the present provisional double patenting rejection should be withdrawn because the present application is the earlier application and should be permitted to issue as a patent without the filing of a terminal disclaimer. *See* M.P.E.P. § 804.I.B.

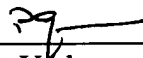
In the Final Office Action, the Examiner stated this assertion by Applicants is not persuasive. *See* Final Office Action, page 5. However, Applicants respectfully contend that the Examiner apparently misunderstands M.P.E.P. § 804.I.B. Again, per M.P.E.P. § 804.I.B., the present application, which is the earlier application, should be allowed to issue without the filing of a terminal disclaimer.

Conclusion

Applicants respectfully submit that all pending claims should be in condition for allowance. However, if the Examiner believes certain amendments are necessary to clarify the present claims or if the Examiner wishes to resolve any other issues by way of a telephone conference, the Examiner is kindly invited to contact the undersigned attorney at the telephone number indicated below.

Respectfully submitted,

Date: October 16, 2006



Patrick S. Yoder
Registration No. 37,470
FLETCHER YODER
P.O. Box 692289
Houston, TX 77269-2289
(281) 970-4545